



September 15, 2000

**VIA FACSIMILE AND REGULAR MAIL**

Craig Melodia, Esq.  
Assistant Regional Counsel  
U.S. EPA, Region V  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

**Re: Clarke Container, Inc., Clarke Incinerators, Inc., and the Fourth Tolling Agreement for the Skinner Landfill Site**

Dear Mr. Melodia:

This letter is in response to your correspondence dated August 21, 2000 and your voicemail message of September 14, 2000 in regard to the proposed Fourth Tolling Agreement for the Skinner Landfill Site which U.S. EPA has requested that my clients execute.

This letter is to inform you that my clients, Clarke Container, Inc. and Clarke Incinerators, Inc. will not execute the Fourth Tolling Agreement. Their decision is based on their firm belief that they have contributed only construction and demolition debris containing no hazardous substances to the Skinner Landfill. To date, despite years of discovery and a lengthy and expensive ADR process, there is no evidence linking my clients to the transportation of any hazardous substances to the site.

While my clients are not adverse to discussing potential settlement options, and would welcome the opportunity to do so, I must make it clear that it will not be along the lines of the settlement figures proposed to date by the PRP Working Group. Their "offers" have been completely outlandish given the fact that my clients did not transport any hazardous substances to the site.

I would welcome the opportunity to discuss this with you further and ask that you contact me at your convenience if you wish to do so.

Sincerely,

David J. Schmitt

DJS:tls

c: Mr. Martin Clarke  
Jeffrey J. Harmon, Esq.

David J. Schmitt *direct dial* (513) 852-2587